

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Billy Lamar Kenny

Docket No. 5:08-CR-125-1BO

Petition for Action on Supervised Release

COMES NOW Dewayne L. Smith, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Billy Lamar Kenny, who, upon an earlier plea of guilty to Possession With Intent to Distribute a Quantity of Cocaine Base (Crack) (Count 2), in violation of 21 U.S.C. § 841(a)(1) and Use, Carry, or Possess a Firearm in Connection With a Drug Trafficking Crime (Count 3), in violation of 18 U.S.C. § 924(c), was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on December 17, 2008, to the custody of the Bureau of Prisons for a term of 57 months in Count 2 and 60 months consecutive in Count 3. Upon a motion of the defendant under 18 U.S.C. § 3582(c)(2), the sentence was reduced from 57 months to 30 months in Count 2, and the 60 month consecutive sentence remained in effect for Count 3. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 5 years under the standard conditions adopted by the court.

Billy Lamar Kenny was released from custody on December 31, 2014, at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On March 4, 2015, the defendant tested positive for cocaine and marijuana, which was confirmed through laboratory analysis on March 16, 2015. During a home inspection on March 23, 2015, the defendant signed an admission of drug use form acknowledging that he used both illegal substances on March 2, 2015. As a sanction for this violation, we are recommending that he be placed on the home detention program for a period of 30 days and attend outpatient drug treatment. The defendant signed a Waiver of Hearing agreeing to the proposed modifications of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 30 consecutive days. The defendant shall be restricted to his residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer.

Billy Lamar Kenny
Docket No. 5:08-CR-125-1BO
Petition For Action
Page 2

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Dwayne K. Benfield
Dwayne K. Benfield
Supervising U.S. Probation Officer

/s/ Dewayne L. Smith
Dewayne L. Smith
U.S. Probation Officer
201 South Evans Street, Room 214
Greenville, NC 27858-1137
Phone: 252-758-7200
Executed On: March 26, 2015

ORDER OF COURT

Considered and ordered this 21 day of March, 2015, and ordered filed and made a part of the records in the above case.

Terrence Boyle
Terrence W. Boyle
U.S. District Judge